

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

MARTIN GOTTESFELD,
Defendant.

Crim. No. 16-CR-10305-NMG

SECOND MOTION FOR EXTENSION OF TIME TO RESPOND

The United States of America, by its undersigned Assistant United States Attorney, respectfully requests that the Court allow it until January 12, 2024 to file a response to defendant Martin Gottesfeld’s Motion to Vacate. As grounds therefore, the United States submits as follows:

1. On October 2, 2023, Gottesfeld filed a motion to vacate pursuant to 28 U.S.C. § 2255 (“the Motion”, Docket No. 457). Across 128 pages, the Motion alleges nine grounds in support of the relief it requests, including a claim that Gottesfeld received ineffective assistance of counsel.

2. On October 24, 2023, the Court allowed the government until December 8, to respond to the Motion. (Docket No. 461).

3. Gottesfeld’s claims cover diverse matters spanning from the investigation of his offense, his arrest and detention pre-trial, the conduct of his trial, and his appeal. The claims require a close review of the extensive pre-trial record, the trial transcripts, and the appellate briefing, argument, and record—because Gottesfeld may have procedurally defaulted on several

of his claims.

4. Briefing and professional commitments in other matters, including twin motions to dismiss in *United States v. Khawaja*, 21-CR-10250 (NMG/PGL), which were argued before the Court on December 4, unexpectedly prevented the undersigned Assistant United States Attorney from completing the necessary reviews and preparing the response ahead of the Court's previously ordered deadline.

5. The government accordingly requests that it be permitted to respond to the Motion on or before January 12, 2024.

Respectfully submitted,

JOSHUA S. LEVY
Acting United States Attorney

By: /s/ Seth B. Kosto
SETH B. KOSTO
Assistant U.S. Attorney

Date: December 7, 2023

Certificate of Service

I hereby certify that, on or about this date, this document will be sent by U.S. mail to Gottesfeld's address of record with the Court.

/s/ Seth B. Kosto
Seth B. Kosto
Assistant U.S. Attorney

Date: December 7, 2023